Haines Borough Borough Assembly Meeting #127 February 12, 2008 MINUTES Approved

- 1. CALL TO ORDER/PLEDGE TO THE FLAG Mayor SHIELDS called the meeting to order at 6:30 p.m. in the Assembly Chambers and led the pledge to the flag.
- 2. ROLL CALL Present: Mayor Fred SHIELDS and Assembly Members Jerry LAPP, Doug OLERUD, Steve VICK, Deborah VOGT, and Pete LAPHAM. Absent: Norm SMITH (Excused)

<u>Motion</u> by **VICK:** Excuse Assembly Member **SMITH**'s absence from this meeting. It was seconded by **VOGT**. The motion carried 4-1 with **OLERUD** opposed.

Staff Present: Robert **VENABLES**/Borough Manager, Julie **COZZI**/Borough Clerk, Steve **RITZINGER**/Planning Zoning Technician, and Emanuela **MERIGGI**/Lifeguard.

Visitors Present: Jessica EDWARDS/CVN, Don TURNER III, Adam PATTERSON, Jerry ERNY, Kathleen MENKE, Andy HEDDEN, Karen HESS, Paul NELSON, Dan HENRY, Nicholas SZATKOWSKI and others.

3. APPROVAL OF AGENDA & CONSENT AGENDA

The following changes to the Consent agenda were requested:

- Remove Item 9K-Public Safety Commission from the consent agenda.
- Add Item 9L-Waterfront Improvement Committee to the agenda.

<u>Motion</u> by **VOGT:** Approve the Agenda/Consent Agenda as amended. It was seconded by **LAPHAM**. The motion carried unanimously.

VOGT requested that any committee report requesting assembly action should not be put on the consent agenda. **SHIELDS** agreed.

- ***4. APPROVAL OF MINUTES -** 1/15/08 Regular
 - 5. PUBLIC COMMENTS None
 - 6. MAYOR'S COMMENTS/REPORT

SHIELDS reported on his recent participation in the Alaska Conference of Mayors meeting in Juneau. He also read a letter received from our Sister City--Haines City, Florida--in response to Cynthia "CJ" Jones' recent visit there on behalf of the Haines Borough. The mayor commended winters of the History Day held at the Sheldon Museum. Additionally, he thanked VENABLES and VOGT for their work on the HB-347 language that will insure Haines is eligible for cruise ship impact funds.

7. PUBLIC HEARINGS

A. Commercial Tour Permit - Northland Excursions

The mayor opened the public hearing at 6:43pm.

PATTERSON briefly described his planned tour operations and, in response to several questions from VOGT, noted that he has all of the necessary permits and permissions in place except for the Division of Mining, Land, and Water (he has a verbal assurance that there is no problem anticipated). VOGT also asked about the mufflers noted in the tour operating plan and said she would like them to be made a condition of the permit. Patterson said he is getting 2008 model machines that include the mufflers. The machines are very quiet. VOGT asked about the map and she wondered about future residential development along Porcupine. Patterson said he does not envision spending a lot of time on Porcupine Road. ERNY asked if Flower Mountain is planned. Patterson has no plans to include it. He said the only way he would ever consider that is if it was a special request for a very small (1-3) independent group. It's not a planned part of this tour. HESS spoke in favor of the tour. She said PATTERSON is one who could successfully bring another high quality tour to Haines. She believes it is a great idea because it is not already being done, and it's in a different area of the valley. She added that he is very honest and will follow all of the rules and do it right.

Hearing no further comments, the mayor closed the public hearing at 7:02pm.

 $\underline{\text{Motion}}$ by $\underline{\text{LAPHAM}}$: Approve the tours proposed by Northland Excursions and authorize the Borough Clerk to process the 2008 application. It was seconded by $\underline{\text{LAPP}}$.

VICK said he is very impressed with the breadth of the tour plan. He is not opposed to the permit but there are some people who are concerned about environmental impacts. He wondered about any plans for using spur trails. LAPHAM said the roads are established and maintained by State Forestry and John Schnabel. He spoke directly to PATTERSON and suggested that he make sure his clients know that industry (mining and logging) built those roads and that doesn't make them bad. OLERUD said he is very much supportive of this tour. He does not believe a few ATVs driving on a logging road isn't going to make much difference, because those roads are regularly used by locals with ATVs in the summertime and snow machines in the wintertime. VOGT observed raised hands in the audience and asked for the

public hearing to be reopened. **SHIELDS** reopened it at 7:09pm.

MENKE asked if there is a bear safety plan. PATTERSON said safety is number one to him. He is aware of the situation…and plans to have the lead vehicle guides have something like pepper spray to deter the bears.

SZATKOWSKI said his partner Jessica Plachta and he are opposed to the proposed tour because they believe it would have a negative impact on the area and the quality of their lives. He provided letters to the assembly from both of them stating their objections. PATTERSON responded and said he is a Haines resident rather than an outside corporation. He has no plans to destroy anyone's paradise with commercialization. He offered, as an example, that if he finds out a particular area is frequented by locals picking wild berries, he will not go there. Hearing no further comments, the mayor closed this additional public hearing session at 7:12pm.

VICK commented that the issue of bear safety involves keeping the tourists and bears safe from each other and preventing wildlife impacts, as much as possible. OLERUD said that the bears in that area are conditioned to stay away from people and ATVs. LAPP agreed and said that area is hunted widely and frequently.

<u>Motion</u> by **VICK**: Amend the main motion to delay approval and hold a second public hearing on February 26. It was seconded by **VOGT**.

The amendment motion failed 2-3 with LAPP, LAPHAM, and OLERUD opposed.

The main motion carried unanimously in a roll call vote.

B. Ordinance 08-01-175 - second hearing

An ordinance of the Haines Borough scheduling a land sale of borough-owned real property, identifying property to be sold, and establishing the method of sale.

The mayor opened the public hearing at 7:16pm.

MENKE encouraged the assembly not to sell the primary school property, because the property value might be used to leverage grants for something like a community wellness/recreation center. She also asked the assembly to delay sale of the other properties until it develops an overall plan for the future. NELSON said the borough may need to utilize the primary school property for wood storage if it decides to heat the school with a wood burning system.

Hearing no further comments, the mayor closed the public hearing at 7:20pm.

Motion by LAPP: Adopt Ordinance 08-01-175. It was seconded by
VICK.

VOGT said she is not in favor of selling the primary school property.

<u>Motion to Amend</u> by **VOGT:** Amend Ordinance 08-01-175 to remove the primary school parcels from the list of properties to sell. It was seconded by **VICK**.

OLERUD said the longer the old primary school building sits vacant the more it deteriorates. The borough will have to pay to demolish it at an estimated cost of at least He likes the idea of gaining money on the parcels rather than spending money to take care of the problem. **VOGT** said **OLERUD** made good points, and she reminded the assembly that the borough can stipulate how property must be used when it disposes of land. VICK said he is not opposed to selling the primary school property, but the assembly should not ignore the planning commission's recommendation. LAPP said the primary school parcels should be left on this ordinance. The assembly can use discretion regarding whether not to accept bids. LAPHAM said there understanding that the sale of this property would help defray some of the cost of the new school. "Most people don't have a lot of faith in government because we say one thing one day and do something different the next." He agreed with LAPP's statements. He added that the sale should go to a tax-paying entity, because the assembly has a responsibility to make sure the borough gets as much value as possible for the community. OLERUD said he is against designating the properties for educational purposes only, because the number of interested parties would be reduced. He believes there are a lot of other compatible uses for the primary school properties. VICK said another consideration would be to use the property for a community purpose. He wondered if the planning commission should be given another month to come up with ideas. VOGT agreed with him. LAPHAM said the planning commission has already had an opportunity to review the property. **VOGT** said she wants to see a plan for use of the whole school area. LAPP said there are two pieces of property. The primary building parcel should be sold and the \$200K that might otherwise be spent on demolishing the building could be spent on refurbishing the elementary school building.

<u>Motion to Amend the Amendment</u> by VICK: Amend the amendment motion to include sending the removed primary school parcels back to the planning commission for review with a six-week deadline for submitting a recommendation to the assembly. It was seconded by VOGT.

The amended amendment motion failed 2 to 3 with **OLERUD**, **LAPP**, and **LAPHAM** opposed.

The amendment motion failed 2 to 3 with **OLERUD**, **LAPP**, and **LAPHAM** opposed.

The mayor allowed the public to speak. **TURNER** suggested the assembly consider a third public hearing because the planning commission is scheduled to talk about the issue at its February 14th meeting. **MENKE** said a few more weeks to kick it around would be a good idea. **ERNY** asked how property can be put up for sale with conditions without appearing discriminatory to potential buyers. **VENABLES** said the code gives the assembly the right to reject any and all bids.

<u>Motion to Amend</u> by <u>LAPHAM</u>: Amend the motion to hold the ordinance over for a third public hearing on February 26th rather than adopt it at this meeting. It was seconded by **VICK**.

The amendment motion carried unanimously.

The amended main motion carried unanimously, and the ordinance will be advanced to a third public hearing on February 26, 2008.

8. STAFF REPORTS

A. Borough Manager

The manager summarized his written report that included the following topics:

- FY09 Budget Process
- Marine Transportation Advisory Board
- Cruise Ship Initiative Revenue
- Harbor Grant Update
- Secure Schools Funding
- Former Elementary School Building Proposals
- Wood Heat Feasibility Study
- * B. Borough Clerk
- * C. Chief Fiscal Officer
- * D. Chief of Police
- * E. Museum
- * F. Library
- * G. Chilkat Center

9. COMMITTEE/COMMISSION/BOARD REPORTS

- A. Commerce Committee
- B. Finance & Budget
- C. Personnel

- D. Government Affairs & Services
- E. Planning Commission

<u>Motion</u> by **VOGT**: Uphold the planning commission's recommendation to waive the fine levied against the Aronson's for building without a proper permit. It was seconded by **LAPHAM**. It carried unanimously in a roll call vote.

VOGT also asked if the planning commission's recommendation for a Title 18 code change would come before the assembly in ordinance form. **SHIELDS** directed staff to bring an ordinance to the next meeting.

* F. School Board

G. Chilkat Center Advisory Board

HENRY said there are some major issues with the Chilkat Center building, and he encouraged the assembly members to come see for themselves. He said the last building overall occurred in 1980 when it was moved from Pyramid Harbor to present location. There is currently tremendous community use of the facility. SHIELDS suggested that the Chilkat Center Advisory Board (CCAB) work with the borough manager to make a list that includes price estimates and any time-critical issues that might need to be fasttracked. He noted that the CCAB has already asked for a professional survey assessment to be done similar to the pool. VICK said he spoke with Les Hostetler about a building condition assessment. Les said a lot of work is needed, and he recommends that the borough put out an RFP for a building condition survey similar to the one that was done for the swimming pool. The survey would help to prioritize needed repairs. OLERUD agreed that it's better to spend money to get an accurate assessment of the building. SHIELDS asked the manager to head in that direction. HENRY reminded the assembly that the Chilkat Center is a historic building that would likely qualify for some grant funding.

- * H. Parks & Recreation Advisory Board
- * I. Tourism Advisory Board
- *J. Boat Harbor Advisory Committee
 - K. Public Safety Commission

NELSON, chair of the Public Safety Commission, said the group is concerned that the assembly has not addressed the concerns raised in the commission's annual report submitted in August 2007. SHIELDS said this topic should be on the February 26th assembly meeting agenda. In preparation, the manager will go through the list of concerns and provide a recommendation for the assembly's consideration.

L. Waterfront Improvement Committee

OLERUD summarized the committee's first meeting. The group is looking at various things including the PC Dock restrooms, walking paths along the beach/tidepools, crosswalks and signage along Beach Road to Tlingit Park, in addition to a boardwalk. He said the next meeting will take place on Friday, February 22 at 2:00pm. His goal is for the committee to have recommendations to the assembly by the end of May.

10.OLD BUSINESS - None

11. NEW BUSINESS

- A. Resolutions None
- B. Ordinances for Introduction
 - 1. Ordinance 08-02-176

An ordinance of the Haines Borough amending Title 7 to clarify that when a service area has an insufficient or inactive board the borough assembly will function in that capacity. Additionally, this ordinance clarifies the service area board appointment process.

<u>Motion</u> by <u>LAPP</u>: Introduce Ordinance 08-02-176 and set a first public hearing for February 26, 2008. It was seconded by <u>LAPHAM</u>. The motion carried unanimously.

C. Other New Business

*1. Board and Committee Appointments

■ Museum Board of Trustees

Recommended motion: The assembly confirms Adrian Bochart's appointment to the Museum Board of Trustees for a term to end 11/30/09.

■ Parks and Recreation Advisory Board

<u>Recommended motion</u>: The assembly confirms Sid Moffatt's reappointment to the Museum Board of Trustees for a term to end 11/30/10.

2. Sales Tax Exemption Request - Alaska Community Foundation VENABLES explained that this is a public charity working with the Rasmussen Foundation and local community foundations. Its purpose is to promote philanthropy and help local funds go to local projects. It also provides leadership development and training. The group is already active in Haines helping to manage the funds at the library. They will host events and trainings and a tax-exempt status would help the funds go further.

<u>Motion</u> by <u>LAPP:</u> Grant Sales Tax Exemption status to The Alaska Community Foundation. It was seconded by <u>LAPHAM</u>. The motion carried 4-1 in a roll call vote with <u>LAPHAM</u> opposed.

12.SET COMMITTEE MEETING DATES

The assembly will meet on March 11th at 6:30pm in joint session with the School Board. The meeting will take place at the school.

On February 26th at 5:30pm, the assembly will meet as a committee-of-the-whole with Bob Storer regarding the Permanent Fund, and the regular assembly meeting will immediately follow.

13. PUBLIC COMMENTS - None

14. ANNOUNCEMENTS/ASSEMBLY COMMENTS

OLERUD asked to be excused from the 2/26 meeting. He raised several concerns including the enforcement of handicapped parking at the school, the need to reevaluate the way the borough piles and stores snow, and making sure the assessor follows a protocol when he is inspecting properties. The manager will make sure the issues are addressed. **SHIELDS** suggested a conversation between **VENABLES**, **OLERUD**, **LAPHAM**, and the Public Works Superintendent to discuss snow storage options.

VICK is concerned about confusing parking signage at the Battery Point Trailhead. The manager will look into it.

VOGT said she and others have received calls from a survey group regarding smoking in public places in Haines and were told that the assembly is considering the issue. She is unaware of plans to take up the issue. Everyone agreed that no pertinent legislation is under consideration.

15.ADJOURNMENT - 9:02pm

<u>Motion</u> by **OLERUD**: Adjourn the meeting. It was seconded by **LAPHAM**. The motion carried unanimously.

Fred	Shields,	Mayor

ATTEST:

Julie Cozzi, Borough Clerk